

Message Text

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PAGE 01 MAPUTO 00872 030903Z

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ACTION VO-03

INFO OCT-01 AF-08 ISO-00 SCA-01 /013 W

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P 021350Z AUG 76

FM AMEMBASSY MAPUTO

TO SECSTATE WASHDC PRIORITY 4868

UNCLAS MAPUTO 0872

ATTN VO/RLD

E.O. 11652: N/A

TAGS: CVIS MZ

SUBJECT: ILLEGITIMATE CHILDREN OF FATHERS UNDER SECTION 101(B)(1)(B)

REF: STATE 188437

1. FOLLOWING ARE ANSWERS TO QUESTIONS RAISED REFTEL:
QUESTION 4-ZERO QUESTION 5-SZE QUESTION SEVEN, QUESTION 6-ZERO
2. QUESTION 7-SUMMARY OF LOCAL LAWS ESTABLISHING PATERNAL RELATIONSHIP; MOZAMBIQUE CONTINUES TO USE PORTUGUESE CIVIL CODE, THEREFORE RESPONSE OF EMBASSY LISBON TO REFTEL SHOULD ALSO BE CONSIDERED. ACCORDING CIVIL CODE, FATHER'S NAME IF KNOWN IS SUPPOSED TO BE ON BIRTH CERTIFICATE. FATHER HAS PRIMARY RESPONSIBILITY TO REGISTER BIRTH OF HIS CHILDREN,. IF FATHER NOT KNOWN, OR NOT PRESENT AT BIRTH, OR NO SWORN STATEMENT OF PATERNITY HAS BEEN SUBMITTED TO CIVIL REGISTRAR PRIOR TO CHILD'S BIRTH, ENTRY IS MADE, "FATHER UNKNOWN". ENTRY IN CIVIL REGISTER CAN LATER BE CHANGED BY JOINT SWORN STATEMENT OF FATHER AND MOTHER ATTESTING TO PATERNITY OF FATHER. THIS JOINT STATEMENT IS USUALLY NOT CONTESTED, BUT IF CONTESTED BY ANY INTERESTED PERSON, CAN BE CHALLENGED IN COURT. FATHER CAN ALSO SUBMIT HIS OWN SWORN STATEMENT CLAIMING PATERNITY. IF THIS IS NOT CONTESTED, CIVIL REGISTER WILL BE ALTERED. IF CONTESTED IN EITHER CASE, COURT WOULD ORDER BLOOD TEST TO DETERMINE PATERNITY. EMBASSY DOES NOT HAVE AVAILABLE COPY OF PROCESS OF PORTUGUESE COURTS, THEREFORE CANNOT STATE IF OTHER EVIDENCE OF PATERNITY BESIDES BLOOD TESTS MAY BE REQUIRED.

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PAGE 02 MAPUTO 00872 030903Z

3. QUESTION 8, FRAUD; FRAUD IN THIS MATTER WOULD BE MINIMAL IN

MOZAMBIQUE, SINCE UNDER PORTUGUESE LAW STILL IN FORCE HERE, ONE PARENT MAY NOT TAKE A CHILD OUT OF THE COUNTRY WITHOUT WRITTEN AUTHORIZATION FROM THE OTHER PARENT. EMBASSY BELIEVES THAT IN ANY CASE OF THIS TYPE, A BLOOD TEST SHOULD BE REQUIRED.
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